



PLANNING COMMISSION MEETING
August 22 & 24, 2011
Meeting Minutes

August 22, 2011 – 6:30 p.m.

Commissioners present: Belt, Blaser, Britton, Burger, Culver, Finkeldei, Hird, Liese, Singleton

Staff present: McCullough, Stogsdill, Day, Larkin, Warner, Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of July 25 & 27, 2011.

Motioned by Commissioner Finkeldei, seconded by Commissioner Liese, to approve the July 25 & 27, 2011 Planning Commission minutes.

Approved 8-1-0, with Commissioner Britton abstaining.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

No committee reports.

COMMUNICATIONS

Mr. Scott McCullough, Planning Director, reviewed new attachments and communications that were posted to the online Planning Commission agenda after the initial posting date.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

PC Minutes 8/22/11

ITEM NO. 1 RM12D TO RM12; 8 ACRES; SW CORNER OF E 25TH TERRACE & FRANKLIN ROAD (SLD)

Z-6-16-11: Consider a request to rezone approximately 8 acres from RM12D (Multi-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 25th Terrace and proposed Ellington Drive. The property is generally located at the SW corner of E 25th Terrace and Franklin Road. Submitted by Johnson Group LLC, for Fairfield Investors LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Aaron Gaspers, Johnson Group, was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Finkeldei said he supported the staff recommendation. He felt this would be a nice transition into the Prairie Park neighborhood.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Liese, to approve the request to rezone approximately 8.0 acres, from RM12D (Multi-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission.

Commissioner Liese said he agreed with Commissioner Finkeldei's comments.

Commissioner Belt said it would be helpful to have some sort of metric report to determine if apartments, townhomes, and condos were reaching a peak.

Mr. McCullough said staff could try to put together some sort of report on what currently existed. He stated staff had not been directed to complete a comprehensive and market analysis of multi-dwelling structures in the city by the governing body. He said staff could pull together some data and mapping where the different types of housing developments were.

Commissioner Hird asked if it would front or back onto Franklin Road.

Ms. Day said it would back onto Franklin Road. She stated they would face the duplexes across the street and there would be some form of alley access to the rear of the buildings.

Commissioner Burger asked if this could open the door to multi-family.

Ms. Day said yes, it could be multi-family if the property was re-platted. She said the depth was controlled by the location of Franklin Road and other interior local streets. She said the overall gross density would not change but the total number of units could fluctuate by a few dozen units total if there were no side yard setbacks.

Commissioner Burger said she was excited about what was presented in the staff report and would like to see more around town. She hoped that the project would end up reflecting what was represented. She said she would support the motion.

Unanimously approved 9-0.

PC Minutes 8/22/11

**ITEM NO. 2 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP
20; DETENTION (SLD)**

TA-6-9-11: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 4, Section 20-403 to allow detention facilities as a use in the GPI (General Public Institutional) District and delete "detention and correction institutions" from the definition of Major Utilities and Services in Article 17. *Initiated by Planning Commission on 3/28/11.*

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Finkeldei said he did have some concerns when the issue first came up but felt that a Special Use Permit was probably the appropriate tool. He said he would support the text amendment.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve Text Amendment, TA-6-9-11, to Section 20-403 of the Land Development Code to add "Detention Facilities" as a Special Use in the GPI (General Public and Institutional Use) District and to Section 20-1764 to revise the definition of Major Utilities and Services by deleting "detention and correction institutions". Instruct staff to change:

- the title of Section 20-1721 from "Detention" to Detention Facilities;
- to correct the use tables in Section 20-402 and 20-403 to list the use as "Detention Facilities";
- to list "Utility, Minor" as "Utilities, Minor"; and
- "Utilities Services, Major" as "Utilities and Services, Major"

to align with the terms in Article 17.

Unanimously approved 9-0.

PC Minutes 8/22/11

ITEM NO. 3 RM15 TO RM24; 15 ACRES; 4100 W 24th PLACE (SLD)

Z-8-12-10: Consider a request to rezone approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W. 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

Item 3 was deferred prior to the meeting.

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**ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP14; INVERNESS
PARK DISTRICT PLAN (DDW)**

CPA-3-1-11: Clarify approval of Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Inverness Park District Plan. (PC Item 8; approved 7-1 on 7/27/11)

STAFF PRESENTATION

Mr. Dan Warner reviewed the plan that was approved by Planning Commission in August. The approval included a change that the properties along Clinton Parkway be required to utilize Planned Development Overlay Districts when seeking a rezoning. He asked Planning Commission to clarify which of the two options they intended to apply to the three properties along Clinton Parkway:

Option 1: A Planned Development Overlay District is required to develop the properties along Clinton Parkway.

Option 2: A public process for site planning the properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required.

PUBLIC HEARING

Mr. Matt Gough, Barber Emerson, said when the applicants considered the specific requirements associated with the PD Overlay it became apparent that it would not be a good fit. He said at the last Planning Commission meeting they discussed the need to have a governing body review the site plan because of the nature of the area. He said Option 2 would allow for either a PD Overlay or a stipulation that it be a public review, which would be the applicant's preference. He said they would not be using the PD Overlay to increase density.

Ms. Marci Francisco, League of Women Voters, expressed concern about there not being any regulations, suggestions, or recommendations for Planning Commission and City Commission to deal with conditions on zoning. The League felt that would be helpful. She said the League felt that these properties would be very appropriate for the Overlay District because of the stream that divides two properties, the flood hazard area, and the future Parks & Recreation facility to the south. She said it would be an appropriate place to identify a trail along the stream that could connect the park area and an appropriate opportunity for use of open space. She suggested the wording 'homeowners association' be replaced with 'owners association' for maintenance of jointly shared property.

COMMISSION DISCUSSION

Commissioner Burger asked if the 20% allowance for the set aside was for each individual parcel or if the parcels would become a congregate unit that would have a 20% requirement.

Mr. McCullough said it could be accomplished in different ways, depending on what type of project. He said for example, with a commercial development like Hy-Vee that, with a single use on one platted lot the open space may be contained on that lot. He stated an apartment complex could be on one lot with several buildings associated with it and the open space would be identified on the site plan. He said subdividing property for cluster housing projects would contain individual lots with a tract of open space that would be held in common with the owners association, and that there were enforcement methods for dealing with maintenance of open space. He said most apartment complexes were owned by one corporate entity so any issues would be dealt with through the management group at the complex.

Commissioner Finkeldei inquired about the provision regarding Planned Development Overlay District and if it had to be a homeowners association.

Mr. McCullough said it could also be held in land trust, conservation trust, or deeded to the city. He stated staff was seeking clarification on the intent of last month's discussion about site planning and the public process that allows that. He said there were other ways to get the same outcome and same values of sensitive land, maintenance, and open space.

Commissioner Liese said the letter from League of Women Voters dated August 15 referenced not including Option 2 in the Inverness Park District Plan. He asked Ms. Francisco if that was the intent. He also inquired about the multiple motions Planning Commission could make this evening.

Mr. McCullough said there were options with the plan.

Ms. Francisco said there was a follow up letter from the League of Women Voters expressing concern about Option 2 for Remington Square Apartments because they could be sold off at some point as condominiums.

Commissioner Hird said conditioning would allow the opportunity to be heard at the City Commission level where the League of Women Voters and other public members could provide input.

Ms. Francisco said at that point it would be a specific site plan and there would not be the same requirements for the 20% set aside and the homeowners association. She said the League of Women Voters thought there was a request for an increased zoning.

Commissioner Burger asked if the applicant for the residential area had an opposition to the 20%.

Mr. McCullough said they did not talk specifically about that. He said the Code had other requirements for recreational open space for apartment buildings as well, 50 square foot per unit required. He said he did not know if the Planned Development Overlay District gave greater authority to require trails. He said given the circumstances surrounding Remington Square there would be some authority to encourage trail development through the public process of site planning. He said in his opinion, seeking a Planned Development District does not give the city any greater authority to seek exactions on property.

Commissioner Finkeldei said he was leaning toward Option 2. He said the language was being put in the Southeast Area Plan and Option 2 would include some sort of public process, Planned Development Overlay or rezoning with conditions.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to clarify with Option 2:

Option 2: A public process for site planning the properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required.

Commissioner Singleton said her intent last month was to insure a public process with site planning. She said her recollection was that it was unclear that the complications about the Planned Development Overlay District were not something they were aware of and with further investigation it does not work well in the area they put it in. She said she would support Option 2.

Commissioner Burger said she was concerned that going with Option 2 would allow for Planned Overlay or rezoning with conditions. She did not like the idea of conditional zoning. She said if the PD overlay was not the appropriate tool that was fine but she was not comfortable with Option 2 as

written. She was also concerned with the automatic 20% with the PD. She said she would be very favorable to only applying that to residential. She preferred Option 1. She inquired about the specifics of trails and green space being initiated by the public.

Mr. McCullough said Option 2 would not prevent Planning Commission from recommending conditions at rezoning or recommending a PD Overlay to City Commission once they see a request. He said it would broaden options about what the plan would support.

Commissioner Liese expressed concern about Option 2 and was not sure it was needed. He said he was leaning toward Option 1 and would vote against the motion.

Commissioner Finkeldei said Option 1 would make it very difficult to develop the commercial parcels. He said if the motion failed he would not support Option 1.

Mr. McCullough said staff felt the plan should be flexible enough to address any development proposals.

Commissioner Blaser asked if Option 2 would be a better option for lot one.

Mr. McCullough said it was designated commercial in the plan and PD may not be the most appropriate on commercial property.

Commissioner Burger inquired about the fourth parcel to the south.

Mr. McCullough said it was not applied to that parcel last month.

Commissioner Blaser said he would vote in favor of the motion for Option 2 because it was a broader statement of what could happen.

Commissioner Culver said the intention was to provide a public process for review. He felt Option 2 would make more sense.

Commissioner Britton asked if this was a public hearing item last month.

Mr. McCullough said yes.

Commissioner Britton asked if Option 1 would stand if they didn't take action.

Mr. McCullough said it was unique to bring back a Planning Commission decision for clarification. Staff wanted clarification on the intent. He said staff did not disagree that it could be appropriate for Remington Square but wanted flexibility for the future.

Commissioner Britton expressed concern about the process and that it sounded like asking the first question all over again as a non-public hearing item. He said he was leaning toward voting against Option 2 because it would preserve the decision made last month by Planning Commission.

Commissioner Hird said he came to the meeting convinced he would vote for Option 1. He said Option 2 does not lock in the PD but would preserve it and was appropriate for Remington Square but not the other parcels. He also liked that it would provide for a public process and would go to the governing body. He said this strip of land was a gateway into the city and the appearance was important so he liked the idea of having the most flexibility. He thought conditional zoning was a tool

that could effectively be used on occasion. He said Option 2 appeared to be more favorable in terms of flexibility. He was hesitant about the idea of one owners association because it would give the entity shelter from their civic responsibilities. He said he would support Option 2 but thought a PD was still on the table for part or all the properties.

Commissioner Burger asked who would decide whether it would be a Planned Development Overlay or rezoning with conditions.

Mr. McCullough said Planning Commission would make a recommendation to City Commission.

Commissioner Burger asked if Planning Commission would see it either way.

Mr. McCullough said yes. He said once it was zoned and if conditions were placed they may or may not see it after that.

Commissioner Burger asked if staff and the applicant would work together to determine the best tool.

Mr. McCullough said yes, staff would make a recommendation to Planning Commission.

Commissioner Liese asked Ms. Francisco why having more options was a bad thing.

Ms. Francisco said the League of Women Voter letter was specifically directed at Remington Square. She said they were concerned about development at a higher density. She said this now would include the Overlay District which was a good thing. She said the concern was that the applicant would decide what they want to do and the community would have to object. She said conditional zoning needed to be incorporated in the Development Code. She was concerned about the language in Option 2 and that it was very amorphous. She said there was not a public process for site planning, there was a public process for reviewing site plans.

Commissioner Belt asked if the League preferred a more proactive approach as opposed to a reactive plan.

Ms. Francisco said the applicant specifically requested an increase in zoning for Remington Square and the League was responding with an equally specific proposal that they felt was much better for the lot. She felt conditional zoning needed to be incorporated in the Development Code so developers would know the rules.

Commissioner Hird asked if the conditions were stated on the site plan.

Mr. McCullough said based on some comments from the League about a year ago, staff revised the mapping techniques to include a layer of conditional zoning.

Ms. Francisco said the change was not to the site plan but rather a change to the zoning.

Commissioner Britton asked if the League of Women Voters issue was related specifically to Remington Square.

Ms. Francisco said the League thought the PD Overlay would be a better option to increase the density and would give the public the opportunity for planning. She felt they should change the requirements for homeowners association.

Motion carried 5-4, with Commissioners Belt, Britton, Burger, and Liese voting in opposition. Commissioners Blaser, Culver, Finkeldei, Hird, Singleton voted in favor of the motion.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Recess at 7:55pm until 6:30pm on August 24, 2011.

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Reconvene August 24, 2011 – 6:30 p.m.

Commissioners present: Belt, Blaser, Britton, Burger, Culver, Finkeldei, Hird, Liese

Staff present: McCullough, Stogsdill, Leininger, M. Miller, Zollner, Ewert

BEGIN PUBLIC HEARING (AUGUST 24, 2011):

COMMUNICATIONS

Mr. McCullough said information from the applicant regarding synthetic turf was added to the packet after the communications deadline due to technical difficulties.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Hird said he had a brief conversation with Ms. Jane Eldredge, Barber Emerson, regarding meeting procedures and how long she would be allowed to speak for the synthetic turf item.
- No abstentions.

PC Minutes 8/24/11

ITEM NO. 5A U-KU TO RM32-PD; .80 ACRES; 1043 INDIANA ST (LBZ)

Z-7-18-11: Consider a request to rezone approximately 0.80 acres from U-KU (University-Kansas University) to RM32-PD (Multi-Dwelling Residential-Planned Development), located at 1043 Indiana Street. Submitted by Paul Werner Architects, for Triple T LLC, property owner of record.

STAFF PRESENTATION

Ms. Lynne Braddock Zollner presented the item.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, was present for questioning.

PUBLIC HEARING

Mr. Stan Hernly spoke in favor of the rezoning.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Finkeldei, to approve the request to rezone approximately 0.08 acres, from U-KU (University-Kansas University) District to RM32PD (Multi-Dwelling Residential) District Planned Development based on the findings presented in the staff report and forwarding it to the City Commission.

Commissioner Finkeldei said it was consistent with the Oread Plan and he supported the motion.

Commissioner Hird said he would also vote in favor of the motion for the same reason stated by Commissioner Finkeldei.

Unanimously approved 8-0.

PC Minutes 8/24/11

ITEM NO. 5B PRELIMINARY DEVELOPMENT PLAN; .80 ACRES; 1043 INDIANA ST (LBZ)

PDP-7-1-11: Consider a Preliminary Development Plan to relocate the Varsity House and development of a Multi-Dwelling Structure, located at 1043 Indiana Street. Submitted by Paul Werner Architects, for Triple T LLC, property owner of record.

STAFF PRESENTATION

Ms. Lynne Braddock Zollner presented the item.

Mr. McCullough said the new PD Overlay District standards permits variances to setbacks but only if the adjacent zoning was greater. He stated the revisions were solvable and could be resolved before it went to City Commission.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said this was a land use issue, not a Historic Resources Commission issue. He said he would like condition 2 to be reworded regarding the submission of public improvement plans being submitted prior to the final development plan. He said it would take at least a year to build, maybe longer. He said the public improvement plans would include the alley, stormwater improvement, and the entrance to the garage on Indiana Street. He said they would want the building to be built before doing work in the alley. He stated regarding condition 3G they would like to use some of the bricks on the front patio. He felt they were good with the height and setbacks for condition 4. He showed drawings on the overhead.

Commissioner Finkeldei asked if he did not want to have to build or submit plans prior to the submission of the final development plan.

Mr. Werner said they did not want to have to submit plans prior to the final development plan. He said public improvement plans were detailed and a lengthy process. He said they would not build the alley until the building was already up.

Mr. McCullough said the language could be worked on. He said the public improvement plans would need to be known prior to issuing a building permit.

Commissioner Hird asked if the applicant was willing to live with that condition.

Mr. Werner said he would have to think about the timing.

Commissioner Finkeldei thought it was odd that the language said the submission of a public improvement plan instead of the approval of a public improvement plan.

Mr. McCullough said the intent was to have approval before permits would be issued.

Mr. Werner said he preferred liked the word submission instead of approval.

PUBLIC HEARING

Mr. Stan Hernly was astounded that this was not deferred. He stated condition 6 glosses over Historic Resources Commission hearing the item. He said there was a spirited debate with the Historic Resources Commission regarding moving the house. He stated it was by no means a done deal that the house could be approved for moving. He said it was unfortunate there wasn't a Historic

Resources Commission meeting last week. He felt it was a procedural and legal standpoint if the plan was showing the house moved and Historic Resources Commission did not approve it. He felt very strongly that the issue needed to be deferred and Historic Resources Commission needed to hear the item before Planning Commission took action. He said ending up with an approved plan that hadn't been approved by Historic Resources Commission was a bad place to be.

Mr. Dennis Brown, Lawrence Preservation Alliance, quoted language from the staff report. He expressed concerns with compatibility. He felt the applicant should work harder to preserve the structure.

COMMISSION DISCUSSION

Commissioner Liese asked staff to comment on whether Planning Commission should be considering this prior to Historic Resources Commission.

Mr. McCullough said the Planning Commission review was limited to other land use elements as outlined in the staff report and Development Code. He said Planning Commission was a recommending body and that City Commission would determine it. He said Historic Resources Commission was a decision making body for their part of the process. He said from a legal standpoint staff felt Planning Commission was within their scope of review and authority to hear the item and recommend as they desire. He said ultimately City Commission would determine all of this.

Commissioner Liese said Planning Commission and Historic Resources Commissioner were separate bodies but he was not sure he could personally separate what Historic Resources Commission thought about this. He asked if there was a downside to deferral.

Mr. McCullough said it may cause delay for the developer. He said Historic Resources Commission meets next week and they may want to hear what Planning Commission thinks. He said staff would prefer to have Planning Commission define their scope, operate under that scope, and make a recommendation to City Commission. He said there may be so many changes occur through the Historic Resources Commission process that City Commission may send back to Planning Commission for further review and consideration. He said staff was advising Planning Commission to keep their scope at the land use element and let Historic Resources Commission do their job with the historic values and review.

Commissioner Hird asked Mr. Brown about the importance of the house location.

Mr. Brown said relocation was a better alternative than demolition but some preservationists would see no difference between moving a structure from its original location and demolition. He said the house was on a prominent corner lot with two lots and green space around it. He expressed concern about the site plan saying relocation or replication of the house.

Commissioner Liese asked if Planning Commission would see the item again after Historic Resources Commission.

Mr. McCullough said if Planning Commission took action tonight the recommendation would then go to City Commission.

Commissioner Finkeldei asked if Historic Resources Commission had met last week and denied it, would Planning Commission still have had this on the agenda.

Mr. McCullough said staff would have had to talk to the applicant and it could have been heard by Planning Commission.

Commissioner Finkeldei said in the past Planning Commission has heard items that had a negative Historic Resources Commission recommendation, such as the Oread Hotel.

Commissioner Burger asked if Planning Commission needed to do something with condition 6 in their recommendation to address Historic Resources Commission approval.

Mr. McCullough said if the Historic Resources Commission process was ultimately denied and an appeal was upheld then the preliminary development plan would not exist. He said the entire request was contingent upon approval of the Historic Resources Commission element as well.

Commissioner Liese said from his perspective a deferral would not be necessary. He said he was comfortable making a decision tonight and letting Historic Resources Commission do their job.

Commissioner Belt asked what the likelihood was that they would see this again.

Mr. McCullough said that was tough to predict. He said they would have to get through the Historic Resources Commission process and there are so many variables with that. He said this was the application the applicant wanted to present to the governing bodies.

Commissioner Belt said Planning Commission unanimously approved the rezoning so that should give the Historic Resources Commission an indication of how Planning Commission was leaning zoning wise.

APPLICANT CLOSING COMMENTS

Mr. Werner said the perception was that they were going to lose at Historic Resources Commission and he did not feel that was the case. He said it was a 3-3 tie vote last time Historic Resources Commission saw it and the building has been changed since then. He said he felt pretty good about where the project was going. He stated it was an environs review, not a listed structure. He said the reason for moving it to the north was so they would only have to move it once and put it on a new foundation.

Commissioner Liese asked if Mr. Werner was saying that Planning Commission implied that it would be denied by Historic Resources Commission.

Mr. Werner said no, it was implied by public comment. He said regarding the public improvement plans he could submit the public improvement plans prior to the issuance of building permits.

Commissioner Finkeldei said he took their job as the Planning Commission seriously and what they recommend. He said they had a narrow function. He said Historic Resources Commission has its own important function and that Historic Resources Commission should fully consider and make their decision. He said the Planning Commission point of view was that the plan had high density and it was an appropriate place for high density development. He said he would defer to Historic Resources Commission to decide whether it was the right design.

Commissioner Blaser inquired about the approval of the setbacks.

Mr. McCullough said the report was in error, Planning Commission would not have authority to grant waivers.

Commissioner Culver inquired about condition 2 regarding the public improvement plans being submitted before any building permits. He asked if that was in alignment with what staff would like to see.

Mr. McCullough said staff preferred the word 'approved' rather than 'submitted' before building permit issuance. He said there was a direct link to fire code issues, lane width, utilities, etc. He said typically staff and applicant would work on it as it moves forward.

Commissioner Liese thanked Mr. Hernly and Mr. Brown for voicing their concerns. He said he was glad they were raising these issues and he was sure Historic Resources Commission would make a smart decision.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Blaser, to approve the Preliminary Development Plan for 1043 Indiana Street based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following conditions:

1. The applicant submit a drainage study to be reviewed and approved by the City prior to submission of a Final Development Plan.
2. The approval of public improvement plans prior to issuance of building permits.
3. Submission of a revised Preliminary Development Plan to include the following:
 - a) A note identifying the 18' front yard setback is based on average setbacks on the block as permitted by Section 20-602(e)(i);
 - b) Correction of plans noted in staff review comments dated 08/08/11;
 - c) Correction of total units on 4th floor in the Detailed Project Summary and identification of Varsity House as a Congregate Living unit;
 - d) A note identifying the height of the retaining walls along all sides of the property;
 - e) A note indicating this planned development is restricted to the uses allowed in the RM32 district; and
 - f) Removal of the note that identifies the project will utilize removed brick from the alley to landscape on the site. If the alley is reconstructed, the historic brick must be gently removed and placed on pallets for delivery to the City.
4. The submission and approval of building elevations and floor plans that identify: height, setbacks, common open space, and recreational space for Planning Staff to determine Development Code compliance.
5. The applicant verify the entire development site is under unified control.
6. Completion of Historic Resources Commission conditions of approval.

Commissioner Finkeldei said regarding condition 3(f) he hoped the city would consider selling some of the bricks back to be used in the development.

Unanimously approved 8-0.

PC Minutes 8/24/11

**ITEM NO. 6 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP
20; SYNTHETIC TURF AS LANDSCAPING MATERIAL (MKM)**

TA-4-6-11: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Articles 10 and 17, regarding synthetic turf as landscaping material. *Initiated by City Commission on 5/3/11. Deferred by Planning Commission on 6/22/11.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Ms. Jane Eldredge, Barber Emerson, introduced two national experts on synthetic turf, Mr. Rusty Abell from Lubbock, Texas and Mr. Joe Di Geronimo from Sturbridge, Massachusetts. She stated they were not sellers or vendors of any products. She said they were consultants to the FIFA (International Federation of Association Football) and the NFL (National Football League). She said the synthetic turf products used over the years were developed for athletic purposes. As the products have improved they have become more viable and attractive as landscape materials. She displayed some turf examples.

Mr. Abell and Mr. Di Geronimo provided their credentials and presented the history of synthetic turf with a PowerPoint presentation and pictures of turf used in other cities.

Ms. Eldredge said there were inconsistencies in the Development Code regarding the definition of landscape material. She stated in section 20-1701 landscape material was described as living and non-living. Under the non-living category it includes rocks, pebbles, sand, bark, brick pavers, urban mounds, or other items of a decorative or embellishing nature. She said synthetic grass was more attractive than a yard full of pebbles, sand, or bricks and that fundamentally this was a question of aesthetics. She suggested a text amendment be initiated for section 20-1701 to make it clear that synthetic that turf was just as good, if not better, than rocks, pebbles, sand, and bark. She said rubber mulch was now available and nothing prohibited it. She asked that natural or synthetic turf language be added to section 20-1003(e) and the definition in section 20-1009(b) be clarified that no artificial plants or vegetation, other than synthetic turf, may be used. She asked that the standards be compatible with the product used at Frontier Apartments and proposed quality standards for turf. She did not think many people would use synthetic turf due to its upfront cost.

PUBLIC HEARING

Mr. Dan Dannenberg felt it was not fair the public could only speak for 3 minutes when the applicant had 35 minutes. He said he has used low maintenance natural landscaping at his residence to mitigate and prevent erosion. He said he has not watered it since it was installed four years ago. He expressed concerns about heat generation. He stated athletic fields were not the same as an apartment complex. He urged Planning Commission not to approve any changes that would lead to the use of synthetic surfaces in any area of the community.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, said if approved a lot of questions needed to be answered first. She wondered what costs were associated with installing turf and expressed concern about applicants asking for incentives in order to be able to afford the installation. She wondered what kind of condition the soil would be in after the turf was removed. She felt the applicant should have applied for the text amendment before installing the turf if it was so important to Lawrence. She wondered to what level they would accept synthetic turf.

Ms. Jeanne Pees, Sunset Hills Neighborhood Association, said the neighborhood association was not in favor of it and agreed with the staff recommendation of denial. She said the landscape architects in Lawrence had done a wonderful job of landscaping sites within the boundaries of the Development Code.

APPLICANT CLOSING COMMENTS

Ms. Jane Eldredge said the developer believed he had the authority to install synthetic turf based on a previously approved installation of turf at The Oread Hotel and the unclear definition in the Development Code. She felt the Development Code needed clarification.

COMMISSION DISCUSSION

Commissioner Hird inquired about synthetic turf being used in a limited manor.

Mr. McCullough said synthetic turf had only used at The Oread Hotel. Alternative compliance was used for Dillons on Massachusetts Street and Tractor Supply.

Commissioner Hird asked if their discussion was about the text amendment, not a specific project.

Mr. McCullough said there were implications for Frontier Apartments because they were currently not code compliant by staff's interpretation. He said the developer agreed to come into compliance with the outcome of this amendment.

Commissioner Hird asked if with a text amendment they were not talking about a specific project.

Mr. McCullough said the text amendment would be city wide and would be applied to anything that gained site plan approval.

Commissioner Liese thanked Mr. Dannenberg and assured him that everything he said was of importance and that his perspective was important. He asked Mr. Dannenberg if he had anything else he would like to say.

Mr. Dannenberg said he would not make any further statements but would be sending a letter to the Planning Commission Chair regarding turf and proceedings so that opposing opinions could get a fair and adequate opinion.

Commissioner Blaser said he visited Frontier Apartments and was underwhelmed by the synthetic turf. He said there were cigarette butts folded under the turf. He also stated that after rain there were waves in the turf that looked like old carpet that needed to be stretched. He said one of the seams was very obvious like it was about to come apart.

ACTION TAKEN

Motioned by Commissioner Blaser, seconded by Commissioner Belt, to deny amendments to Articles 10 and 17 of the Land Development Code to add synthetic turf as landscaping material based on the analysis provided in the Staff Report.

Commissioner Finkeldei agreed with Commissioner Blaser that he was not impressed with what the synthetic turf at Frontier Apartments looked like, however he did think the turf at The Oread worked well. He said he would probably support the use as alternative compliance.

Commissioner Belt inquired how staff determined the 18" border width language under option B of the staff memo.

Mr. McCullough said it was a reasonable border to a landscape island.

Commissioner Liese inquired about the approval criteria for alternative compliance.

Ms. Miller read from the Development Code:

To be approved, an alternative compliance landscape plan shall be equal to or exceed traditional compliance in terms of quality of materials and visual effect, effectiveness in meeting the purpose established in Section 20-1001, and material durability and hardness. Alternative compliance is limited to the specific site under consideration and does not establish precedent for acceptance of alternative compliance plans on other sites.

Commissioner Hird asked if under the alternative compliance provisions artificial turf could be used in limited applications.

Mr. McCullough said staff made that interpretation with The Oread Hotel. He said the Development Code language was strong about the use of living materials.

Commissioner Liese said he visited the Frontier Apartment site and had the same visual experience that other Commissioners had commented on. He said the color of the turf did not look like grass. He said he would be okay with approving some synthetic turf as alternative compliance but the visual effect of the Frontier Apartments made him sure he would not vote for a text amendment.

Commissioner Burger said she had a similar reaction to the aesthetics of the turf at the Frontier Apartments. She said the turf at The Oread was done well. She wondered about the impact of turf to wildlife. She also wondered how the space between the sidewalk and curb, where there was natural grass still growing, would be maintained to look similar to the turf. She said this was not a locally manufactured product, unlike the sod that could be purchased within Douglas County. She wondered how trees would grow when surrounded by turf material. She said the research that staff and the applicant did was very informative. She said this was so different from athletic fields that it was not an issue. She thanked public members for their comments.

Commissioner Britton said there was no clear benefit to this kind of change, environmentally or aesthetically. He said he would support the motion.

Commissioner Culver said he could support limited use of synthetic turf under alternative compliance. He stated he would be interested in knowing the quality of turf used at The Oread versus Frontier Apartments.

Commissioner Hird said in January he attended the Bowl Championship Series (BCS) in Arizona and the University of Phoenix rolls their entire football field outside the stadium to grow natural grass and then they roll it back in for games. He said the application of synthetic turf to athletic facilities was a far different issue. He said Ms. Eldredge was correct by saying it was largely an issue of aesthetics. He said he visited Frontier Apartments and if it was an example of the best that could be done with artificial turf then he would vote no. He said the developer of the project had done some outstanding landscaping in Lawrence. He wondered what would happen when the property was sold to the next owner and how it would be maintained. He stated he read every page of the documents that Ms. Eldredge submitted. He said he had no problem allowing a certain amount of synthetic turf as an alternative compliance tool. He did not think the text amendment proposed should be passed. He stated he would support the motion.

Ms. Eldredge said the applicant would be happy to withdraw the request and submit an alternative compliance request.

Commissioner Liese said it was important to vote on the motion and express to the community whatever the outcome was.

Commissioner Hird asked staff if it was appropriate to withdraw the request and if the applicant could come back with another suggestion.

Mr. McCullough said the process for text amendments was a little different. He stated City Commission would initiate any text amendments. His advice was to go ahead and vote on the motion and the applicant could send a letter of withdraw to City Commission.

Commissioner Hird asked Ms. Eldredge if that was her understanding as well.

Ms. Eldredge said that was not her understanding but she did not want to take the time to debate it. She said there were 20 people around Frontier Apartments that liked the synthetic turf and felt it enhanced the neighborhood.

Motion carried 6-2, with Commissioners Culver and Finkeldei voting against the motion.

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ITEM NO. 7 COMPREHENSIVE PLAN AMENDMENT TO CHP14; SOUTHEAST AREA PLAN (MJL)

CPA-10-8-10: Consider Comprehensive Plan Amendment to Chapter 14 – Southeast Area Plan, to reference and reflect the accepted Preliminary Alignment Study for 31st Street and to update the plan to reflect changes since adoption. Authorize the chair of the Planning Commission to sign Planning Commission Resolution PCR-8-3-11 regarding the amendment to *Horizon 2020* – Chapter 14-Southeast Area Plan (CPA-10-8-10) updating the Southeast Area Plan, if appropriate.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve:

1. Amendments to Chapter 14 – Specific Plans; Southeast Area Plan to update the reference to the adopted Preliminary Alignment Study for Preliminary Alignment Study for 31st Street (North 1300 Road) East of 1600 Road to County Road 1057 and the Future Land Use Map to reflect the 31st Street alignment identified in this study and to generally update the plan.
2. Authorize the chair of the Planning Commission to sign Planning Commission Resolution PCR-8-3-11 regarding the amendment to *Horizon 2020* – Chapter 14-Southeast Area Plan (CPA-10-8-10) updating the Southeast Area Plan, if appropriate.

Unanimously approved 8-0.

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MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 INITIATE TEXT AMENDMENTS TO CLARIFY DENSITY & DIMENSIONAL STANDARDS (MJL)

Consider initiation of text amendments to the *Land Development Code*, Section 20-601 to clarify the density and dimensional standards and potentially to Section 20-1701 if definitions of terms are determined to be needed.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to initiate text amendments to the Land Development Code, Section 20-601 to clarify the density and dimensional standards and potentially to Section 20-1701 if definitions of terms are determined to be needed.

Unanimously approved 8-0.

PUBLIC COMMENT SECTION

ADJOURN 9:32pm